

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Affirm the election of claims 1 – 4.
3. Editorially amend dependent claim 3 to moot the rejections under 35 USC §112, second paragraph.
4. Editorially amend claims 1 – 4.
5. Add new claims 7-11, including new independent claim 8 and claims 9 – 11 dependent thereon.
6. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1 and 4 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5,415,954 to Gauthier et al. Claims 2-3 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5,415,954 to Gauthier et al in view of U.S. Patent 6,120,930 to Rouillard et al. All prior art rejections are respectfully traversed for at least the following reasons.

Independent claims 1 and 8 both require that an outer periphery of the separator and an outer periphery of the negative electrode be positioned entirely outside an outer periphery of the positive electrode except for a collector tab. These, among other claim limitations, are not taught or suggested by the applied references.

The Fig. 4 embodiments of U.S. Patent 5,415,954 to Gauthier et al. describe wound devices rather than flat devices. *See*, e.g., col. 9, lines 24+ and col. 10, lines 2+,

as well as Fig. 4C. In a preparatory stage such as Fig. 4A and Fig. 4B, Gauthier's film edges are offset from one another. But nowhere does U.S. Patent 5,415,954 to Gauthier et al. describe the entire outer periphery of separator (film c) and a negative electrode (films d/e) as being positioned outside an entire outer periphery of positive electrode (film b). For example, a top edge of lithium sheet b of Fig. 4 protrudes beyond the top periphery of films (e) and (d/e). The protrusion of sheet or film b is constant across the top (the protrusion is not a mere "tab" or the like). Rather, U.S. Patent 5,415,954 to Gauthier et al. shows (positioned even beyond the protrusion part of film (b)) an added intermediate metallic layer of g made of lithium, apparently for contact purposes (*see*, e.g., col. 6, lines 17 - 44).

U.S. Patent 6,120,930 to Rouillard et al. shows, in Fig. 2C, a flat stack configuration of a thin-film rechargeable cell. As shown in Fig. 1, however, an upper peripheral edge of anode 24 does not protrude beyond the upper peripheral edge of both electrode 26 and cathode 28.

New dependent claims 7 and 11 concern setting of sizes of both the negative electrode and the positive electrode so that lithium does not deposit on a metal portion of a negative electrode collector which is exposed from the end of the negative electrode. These new dependent claims are supported, e.g., by page 11, lines 10 -15 and page 21, lines 22 through page 22, line 2.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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